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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,871	08/30/2001	Peter A. Barany	NORT-0102-US 13554RRUS02U	2245
7590	09/09/2004			EXAMINER
Dan C. Hu, TROP, PRUNER & HU, P.C. 8554 Katy Freeway Ste. 100 Houston, TX 77024				CHOW, MDG
			ART UNIT	PAPER NUMBER
			2645	4
DATE MAILED: 09/09/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/943,871	BARANY ET AL.
	Examiner	Art Unit
	Ming Chow	2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 August 2001.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-25 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2/13</u>	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term “GRCI” is not clearly defined. The specification disclosed, on line 19-23 page 8, GCRI.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 20, 24, 25 are rejected under 35 U.S.C 102(e) as being anticipated by Khullar (US: 6748246).

For claims 1, 20, 24, 25, Khullar teaches on item 300 Fig. 3, a controller. Khullar teaches on column 6 line 4-10, the controller receives input signals of low power indicating a desire of changing the access technology. The controller processes the signals and selects one of supported access technologies (claimed “protocol stacks”).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2, 3, 4, 15, 16, 17, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khullar as applied to claim 1 above, and in view of Vanttinien et al (US: 2001/0009544).

Khullar failed to teach “selecting one of plural types of protocol stacks comprises selecting from protocol stacks comprising a GERAN protocol stack and EGPRS protocol stack”. However, Vanttinien et al teach on section [0021], wireless data communication includes GERAN and EGPRS protocols.

It would have been obvious to one skilled at the time the invention was made to modify Khullar to have the “selecting one of plural types of protocol stacks comprises selecting from protocol stacks comprising a GERAN protocol stack and EGPRS protocol stack” as taught by Vanttinien et al such that the modified system of Khullar would be able to support the system users to select either GERAN or EGPRS technology for a better data communication.

4. Claims 5-11, 14, 18, 21, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khullar as applied to claim 1 above, and in view of Sevanto (US: 6747989).

Regarding claim 5, 11, 23, Khullar failed to teach “receiving the indicator comprises receiving a temporary logical link identity structure having one of plural values”. However, Sevanto teaches on Fig. 4, a temporary logical link identity structure has plural of values and among which the PDP is an indicator of the packet data protocol.

It would have been obvious to one skilled at the time the invention was made to modify Khullar to have the “receiving the indicator comprises receiving a temporary logical link identity structure having one of plural values” as taught by Sevanto such that the modified system of Khullar would be able to support the system users to use the temporary logical link identity structure to accurately indicate the protocol.

Regarding claims 6-8, 18, 21, the modified system of Khullar in view of Sevanto as stated in claim 5 above failed to teach “selecting one of plural types of protocol stacks comprises a first protocol stack if the temporary logical link identity structure has a first value”. However, “Official Notice” is taken that the PDP (packet data protocol) is an indicator of the packet data protocol and each protocol is represented by a unique value. Therefore, a first value of the PDP indicates a first protocol stack and a second value of the PDP indicates a second protocol stack.

It would have been obvious to one skilled at the time the invention was made to modify Khullar in view of Sevanto to have the “selecting one of plural types of protocol stacks comprises a first protocol stack if the temporary logical link identity structure has a first value” such that the modified system of Khullar in view of Sevanto would be able to support the system users to indicate different protocol stack by using different values of the PDP.

Regarding claims 9, 10, Khullar failed to teach “receiving the indicator comprises receiving a parameter used for contention resolution”. However, the PDP as taught by Sevanto is the claimed “parameter” for selection of the protocol stack (reads on claimed “contention resolution”).

It would have been obvious to one skilled at the time the invention was made to modify Khullar to have the “receiving the indicator comprises receiving a parameter used for contention resolution” as taught by Sevanto such that the modified system of Khullar would be able to support the system users to resolve contention between different protocol stacks by using the parameter.

Regarding Claim 14, Khullar et al teach on Fig. 1 different air interfaces between mobile station and either GSM, or W-CDMA, or Edge base stations.

Khullar teaches on item 300 Fig. 3, a controller.

Sevanto teaches on Fig. 4, a temporary logical link identity structure has plural of values and among which the PDP is an indicator of the packet data protocol.

“Official Notice” is taken that the PDP (packet data protocol) is an indicator of the packet data protocol and each protocol is represented by a unique value. Therefore, a first value of the PDP indicates a first protocol stack and a second value of the PDP indicates a second protocol stack.

It would have been obvious to one skilled at the time the invention was made to modify Khullar to have the controller to perform contention resolution with either a first type of mobile station or a second type of mobile station based on the first type of indicator or the second type of indicator as taught by Sevanto such that the modified system of Khullar would be able to support the system users to resolve contention between different protocol stacks by using the different indicator.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Khullar as applied to claim 1 above, and in view of Sevanto (US: 6747989), and further in view of Vanttinien et al, and further in view of Forssell et al (US: 6683860).

The modified system of Khullar in view of Sevanto as stated in claim 9 above failed to teach “the parameter comprises receiving a GERAN contention resolution identity”. However,

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Vanttinien et al teach on section [0021], wireless data communication includes GERAN and EGPRS protocols.

Forssell et al teach on column 2 line 55-59, the mobile station activates the PDP type in the TLLI. Therefore, when the GERAN protocol stack is used as taught by Vanttinien et al the PDP in the TLLI as taught by Forssell et al is indicated as GERAN.

It would have been obvious to one skilled at the time the invention was made to modify Khullar in view of Sevanto to have the “the parameter comprises receiving a GERAN contention resolution identity” as taught by Vanttinien et al and Forssell et al such that the modified system of Khullar in view of Sevanto would be able to support the system users to receive the parameter to indicate GERAN connection.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Khullar as applied to claim 1 above, and in view of Vanttinien et al (US: 2002/0126630; “Vanttinien-6630”).

Khullar et al failed to teach “receiving the indicator comprises receiving one of plural training sequences”. However, Vanttinien-6630 teach on section [0044], the mobile station sends and uses training sequence in the channel request (claimed “indicator”) to indicate particular protocol stack.

It would have been obvious to one skilled at the time the invention was made to modify Khullar in view of Sevanto to have the “receiving the indicator comprises receiving one of plural training sequences” as taught by Vanttinien-6630 such that the modified system of Khullar would be able to support the system users to receive the indicator which comprises training sequences.

7. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Khullar as applied to claim 18 above, and in view of Sevanto, and further in view of Hurtta et al (US: 2004/0017798).

The modified system of Khullar in view of Sevanto as stated in claim 18 above failed to teach “the first value indicates one of a local TLLI, a foreign TLLI, and a random TLLI, and the second value indicates one of a local GRCI and a random GRCI”. However, Hoff et al teach on section [0037], four types of TLLI - local, foreign, random, and auxiliary.

Hurtta et al teach on section [0066], by changing the first three bits in the TLLI to indicate the CN identifier (core network identifier; reads on “protocol stack for the network”).

Any specific value (TLLI or GRCI) to be represented by the first or the second value is a “decide choice”.

It would have been obvious to one skilled at the time the invention was made to modify Khullar in view of Sevanto to have the “the first value indicates one of a local TLLI, a foreign TLLI, and a random TLLI, and the second value indicates one of a local GRCI and a random GRCI” as taught by Hurtta et al such that the modified system of Khullar in view of Sevanto would be able to support flexibilities to the system users to define TLLI values and GRCI values by either the first or the second value.

Conclusion

8. The prior art made of record and not replied upon is considered pertinent to applicant's disclosure.

- Pecen et al (US: 6282182) teach method and apparatus for simultaneous circuit switched voice and GPRS data interchange.

9. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (703) 305-4817. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (703) 306-0377. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to Central FAX Number 703-872-9306.

Patent Examiner

Art Unit 2645

Ming Chow



FAN TSANG
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TECHNOLOGY CENTER 2600

